

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE <b>J</b>		PAGE OF PAGES <b>1   12</b>	
2. AMENDMENT/MODIFICATION NO. <b>0010</b>		3. EFFECTIVE DATE <b>10-Oct-2002</b>		4. REQUISITION/PURCHASE REQ. NO. <b>W16ROE-1323-3643</b>		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN: CENAN-CT ROOM 1843 26 FEDERAL PLAZA (DACW51) NEW YORK NY 10278-0090		CODE <b>DACW51</b>		7. ADMINISTERED BY (If other than item 6)  <b>See Item 6</b>		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. <b>DACW51-02-B-0002</b>			
				<input checked="" type="checkbox"/> 9B. DATED (SEE ITEM 11) <b>13-Sep-2002</b>			
				10A. MOD. OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) 1. The purpose of this amendment is to replace the section 00010 "Schedule Price", see attached page 2 through of this document.  2. The bid opening date is change from 15 October 2002 at 11:00 AM to 17 October 2002 at 11:00 AM.  3. All other terms and conditions remain unchanged.  4. All bidders must acknowledged receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods; in the space provided on the SF 1442, by separate letter, or by telegram, or by signing block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BID OR LATE WITHDRAWAL OF BIDS (FAR 14.304).  Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR  _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA  BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED  <b>11-Oct-2002</b>	

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

## Section 00010 - Solicitation Contract Form

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	Mobilization and Demobilization FFP PURCHASE REQUEST NUMBER: W16ROE-1323-3643	1	Lump Sum	\$ _____	
					\$ _____
NET AMT					

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002	Dredging, Processing, Transportation and FFP Placement - basis work (sheets 6, 14 and 16 of the contract drawings) Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Naviogation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B, and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor.	45,000	Cubic Yard	\$ _____	
					\$ _____
NET AMT					

FOB: Destination

TOTAL BASE BID LINE ITEMS 0001 AND 0002 -----\$ \_\_\_\_\_

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003		8,125	Cubic Yard		

OPTION	OPTION #1			\$_____	
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FFP

Dredging Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004		7,610	Cubic Yard		

OPTION	OPTION #2			\$_____	
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FFP

Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005		3,795	Cubic Centimeter		

OPTION	OPTION #3 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006		40,765	Cubic Yard		

OPTION	OPTION #4 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B, and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0007		42,470	Cubic Yard		

OPTION	OPTION #5 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008		2,610	Cubic Yard		

OPTION	OPTION #6 FFP Dredging, Processing, Transportation and Placement -- Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0009		3,675	Cubic Yard		

OPTION	OPTION #7 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0010		1,245	Cubic Yard		

OPTION	OPTION #8 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0011		6,170	Cubic Yard		

OPTION	OPTION #9 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0012		6,085	Cubic Yard		

OPTION	OPTION #10 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0013		2,465	Cubic Yard		

OPTION	OPTION #11 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0014		5,650	Cubic Yard		

OPTION	OPTION #12 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination



ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0015		15,820	Cubic Yard		

OPTION	OPTION #13 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0016		7,235	Cubic Yard		

OPTION	OPTION #14 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0017		3,360	Cubic Yard		

OPTION	OPTION #15 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0018		2,100	Cubic Yard		

OPTION	OPTION #16 FFP Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, File #1225 (pages 1A, 1B and 1-18) and placement of dredged material at an approved/permited upland disposal site furnished by the contractor			\$ _____	
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NET AMT

FOB: Destination

TOTAL OPTIONS LINE ITEMS 0003 THROUGH 0018 -----\$ \_\_\_\_\_

TOTAL BASE BID AND OPTIONS LINE ITEMS 0001 THROUGH 0018 --\$ \_\_\_\_\_

Subject:  
& DACW51-02-B-0002, Maintenance Dredging and Dis position of Dredged Material From Arthur Kill  
Reach of the New York and New Jersey Channels.

Dear prospective bidder:

Concerns have been expressed about the Step Two solicitation documents for the projects referenced above. The following has been prepared in response to the concerns.

**Issue one:** The time for performance has not been noted, i.e. expected time of year, etc.

**Response:** The step one correspondence dated July 18, 2002 required that the contractor confirm his availability for January to February 2003. Acceptable Offerors have committed to provide dredge plant, transportation, processing and disposal for the project schedule of January to February 2003 in their amended proposals. They have been deemed acceptable based on this commitment.

**Issue two:** Due to the performance of concurrent dredging projects, the use of the same upland facility does not appear feasible. Can a new permitted disposal facility be introduced for consideration if there is a schedule conflict?

**Response:** The project managers were consulted for the two projects that were referenced in the letter as possibly interfering with the performance of the above referenced projects. One will be done before the subject projects start, and the other will start soon and run for several months. This second project, Port Jersey, may overlap with the above referenced projects or may be done before the above projects begin. The disposal facility stated in a letter referencing the above referenced projects that they are capable of processing up to 15,000 cubic yards per day from multiple projects. Each of the above referenced projects should produce an average of 4,000 cubic yards per day, significantly less than the total capacity.

Any request to introduce a new disposal facility is premature. For the above stated reasons, there does not seem to be a conflict. There is some flexibility in the schedules of the dredging of Flushing Bay, Arthur Kill and Port Jersey projects around the OENJ schedule, that can be evaluated before the need for a new disposal facility is considered. Changing facilities would cause significant delays in obtaining and reviewing the permits for the new facility. We have already invested time in the review of the disposal facility proposed in the Offeror's technical proposal and would not consider duplicating this effort and enduring a delay unless absolutely necessary.

If the use of the proposed upland facility is not feasible at the time that the work is to proceed, then a request to change disposal facility can be made and the contract price re-negotiated, if necessary.

**Issue three:** The sampling and testing prior to award is an extreme hardship. If the sample results should fail in that the material cannot be disposed of expeditiously, the contractor will be faced with unnecessary claims, delay and even cancellation.

**Response:** The 70 day period of time to sample and obtain a permit for the disposal facility following the notice of being the low bidder is to provide a reasonable timeframe for the expected schedule of work. If the Offeror cannot sample and obtain permits for the disposal facility in what is considered to be a reasonable time frame due to inefficiencies in his process, then USACE has the right not to award the contract.

If, on the other hand, the apparent low bidder cannot obtain permits in that time frame because sampling results indicate that the material exceeds the allowable limits for their chosen site, we will consider allowing an additional 30 days to arrange for an alternative site.

**Issue 4:** Item # 11, Option #9 of the Flushing Bay and Creek bid schedule, section 00010 shows only 1 cubic yard.

**Response:** Item number 11, option 9 for the Flushing Bay and Creek contract bid schedule should show a quantity of 20,250 cubic yards.

**Issue 5:** In the event that the sediment is found to be unsuitable for disposal at the Offeror's approved disposal facility and the Offeror is ineligible for award, will the Offeror be reimbursed for expenses incurred during the sampling and testing program?

**Response:** No. The sampling and testing is considered an acceptable business risk.

(End of Summary of Changes)